



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

215 Fremont Street

San Francisco, Ca. 94105

In Reply E-4-3

Refer to: ENF 3-5-3

William H. Lewis, Jr.  
Executive Officer  
California Air Resources Board  
1709 - 11th Street  
Sacramento CA 95814

NOV 28 1977

Dear Mr. Lewis:

This is in response to your letter of September 14, 1977 requesting delegation of authority on behalf of the Stanislaus County Air Pollution Control District (SCAPCD) to implement and enforce Standards of Performance for New Stationary Sources (NSPS) for the following categories of sources (SCAPCD Rule 422):

- Phosphate Fertilizer Industry
- Steel Plants - Electric Arc Furnaces
- Primary Aluminum Reduction Plants
- Primary Copper Smelters
- Primary Zinc Smelters
- Primary Lead Smelters
- Coal Preparation Plants
- Ferroalloy Production Facilities

In addition you requested delegation of authority to implement and enforce revisions to 40 CFR Part 60 for continuous monitoring requirements (40 FR 46250, October 6, 1975) and for modification, notification, and reconstruction (40 FR 58416, December 16, 1975).

We have reviewed the pertinent laws of the State of California and the rules and regulations of the SCAPCD, and have determined that they provide an adequate and effective procedure for implementation and enforcement of the NSPS by the SCAPCD and the State of California.

In addition, we have reviewed the original letter of delegation dated July 2, 1976 and have revised conditions pertaining to both NSPS and NESHAPS.

Therefore, we hereby delegate our authority, pursuant to §§111(c) and 112(d)(1) of the Clean Air Act, as amended, for implementation and enforcement of the NSPS and NESHAPS to the State of California on behalf of the SCAPCD as follows:

- A. Authority for all sources located in the SCAPCD subject to the Standards of Performance for New Stationary Sources in the following 12 categories:

Phosphate Fertilizer Industry:

Wet - Process Phosphoric Acid Plants - Subpart T  
Superphosphoric Acid Plants - Subpart U  
Diammonium Phosphate Plants - Subpart V  
Triple Superphosphate Plants - Subpart W  
Granular Triple Superphosphate Storage  
Facilities - Subpart X

Steel Plants: Electric Arc Furnaces - Subpart AA  
Primary Aluminum Reduction Plants - Subpart S  
Primary Copper Smelters - Subpart P  
Primary Zinc Smelters - Subpart Q  
Primary Lead Smelters - Subpart R  
Coal Preparation Plants - Subpart Y  
Ferroalloy Production Facilities - Subpart Z

- B. Authority for all requirements of 40 CFR Part 60 for continuous monitoring, and 40 CFR Part 60 for modification, notification, and reconstruction.

This delegation is based upon the following conditions:

1. All conditions contained in the letter of delegation dated July 2, 1976 from Paul DeFalco, Jr., Regional Administrator to William H. Lewis, Jr., Executive Officer of the California Air Resources Board, are incorporated herein by reference and shall be fully effective as they were set forth in full (except as provided below).
2. Condition four (4) of that letter is deleted.

3. Condition five (5) of that letter is revised as follows:

The SCAPCD will at no time grant a variance from compliance with SCAPCD Rules 422 and 423 except as provided in this paragraph. Should the SCAPCD grant such a variance, EPA will consider the source receiving the variance to be in violation of the applicable Federal regulation, and may initiate enforcement action against the source pursuant to Section 113 of the Clean Air Act. The granting of such variances by the SCAPCD shall also constitute grounds for revocation of delegation by EPA. If a source is found to be in violation of NESHAPS emission limitations, the SCAPCD or State should seek immediate correction of the violation. The hazardous nature of the substances regulated by NESHAPS dictates the need to seek immediate compliance rather than granting a variance. However, should the SCAPCD in the future amend Rules 422 and 423 so as to make the regulations more stringent than the applicable Federal regulations, the SCAPCD may grant variances from the more stringent SCAPCD requirements if such variances do not relieve subject sources of the responsibility of complying with standards equally as stringent as those contained in the applicable Federal regulations.

A notice announcing this delegation will be published in the Federal Register. All reports required in 40 CFR Part 60 will be required to be sent to the SCAPCD, as well as to EPA, Region IX.

Since this delegation is effective immediately, there is no requirement that the State notify EPA of its acceptance. Unless EPA receives written notice of any objections within 10 days of receipt of this letter, the State and Districts will be deemed to have accepted all of the terms of this delegation.

Sincerely,

Original signed by:

Paul De Falco, Jr.

Paul De Falco, Jr.

Regional Administrator

cc: Stanislaus County APCD

bc: A-1

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